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TC 2800 MAIL ROOM

#9/Election
8/27/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Patent Application of)
Tsuneo KYOUNO et al.) Group Art Unit: 2832
Serial No. 09/601,319) Examiner: L. Donovan
Filed: October 23, 2000)
For: ELECTROMAGNETIC ACTUATOR)
AND STRUCTURE FOR)
MOUNTING THE SAME)

RESPONSE TO ELECTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

August 21, 2001

Sir:

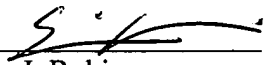
In response to the election requirement in the Office Action of June 21, 2001, the response having been extended by one (1) month, Applicants hereby provisionally elect Group I claims - that is, claims 1-3 and 8-10, drawn to a vibration actuator diaphragm assembly, with traverse. The restriction requirement between Group I and Group II is submitted to be improper because the subject matter of Claim 4 is not 'independent and distinct' from the subject matter of Group I.

In the Office Action, the Examiner characterizes Claim 4 as being drawn to materials used for a permanent magnet. Applicants respectfully submit that this is a mischaracterization of the claimed subject matter. As provided in Claim 4, line 25, this claim is, in part, drawn to the electromagnetic actuator wherein the materials of the vibration plate therein are made of specifically defined materials. Thus, Applicants believe that Claim 4 is more properly characterized as an unpatentably distinct species of Claim 1.

Accordingly, Applicants request that the restriction requirement between Group I and Group II be withdrawn and the prosecution of 1-4 and 8-10 be continued.

Examination on the merits is requested.

Respectfully submitted,


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